

US DISTRICT COURT
SOUTHERN DISTRICT OF TEXA
FILED

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 3:12-CV-499

2013 JUL -2 PM 3:03

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

DEPUTY CLERK ADG

This subpoena for (name of individual and title, if any) Rafael Tostado
was received by me on (date) June 20, 2013

☒ I served the subpoena by delivering a copy to the named individual as follows: Rafael Tostado
in person at 2901 W. Alton Gloor Blvd. in Brownsville,
Cameron County, Texas on (date) June 25, 2013

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 40.00

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: June 25, 2013

Server's signature

Oscar Ortega Process Serve #3155
Printed name and title

P.O. Box 6752, McAllen, TX 78502
Server's address

Additional information regarding attempted service, etc:

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Tristar Investors, Inc.

Plaintiff

v.

American Tower Corporation, et al.

Defendant

Civil Action No. 3:12-CV-499

(If the action is pending in another district, state where:
Northern District of Texas)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Mr. Rafael Tostado, 2901 West Alton Gloor Boulevard, Brownsville, Texas 78520

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Courtyard by Marriott
3955 North Expressway 77/83
Brownsville, Texas 78520

Date and Time:

07/25/2013 9:00 am

The deposition will be recorded by this method: stenographically and by videotape.

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Please produce:

- (1) all correspondence, whether maintained in hard copy or electronically, between you and Tristar Investors, Inc., and
(2) all witness statements you may have signed for Tristar Investors, Inc.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 06/20/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) American Tower Corporation, et al., who issues or requests this subpoena, are:

Jennifer Brooks-Crozier, Alston & Bird LLP, 2828 N. Harwood St., Ste. 1800, Dallas, TX 75201-2139, (214) 922-3465, jennifer.brooks-crozier@alston.com